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Dated: August 8, 2007

Signature:


(Mary Jane DiPalma)Docket No.: ASZD-P01-804
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Barton et al.

Application No.: 10/522,225

Confirmation No.: 7196

Filed: January 24, 2005

Art Unit: 1626

For: KETONES

Examiner: Lambkin, Deborah C.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

In response to the Restriction Requirement, mailed March 14, 2007, in connection with the above application, Applicants hereby elect Group XII, claims 1-8, 10 and 17-19, drawn to compounds, compositions and methods of use of Formula I, wherein A is aryl, B is piperidinyl and R1-R6 is non heteroaryl, for continued examination. Applicants elect this Group with traverse, because it would place no substantial additional burden to examine Groups XII and XXXV together. The compounds recited in claim 12 are encompassed within the scope of the formula recited in claim 1, and a search of Group XII necessarily encompasses the subject matter of Group XXXV.

Groups IX-XXVIII of the Restriction Requirement evince an intention to divide the claim term "heterocyclyl" as it relates to B into a multitude of inventions. Even if restriction were permitted on this basis, the broad term "heterocyclyl" in claim 1 would render it a linking claim and would necessitate examination of the other heterocyclyls upon allowability of the elected piperidinyl. See MPEP 809 and 809.03.

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